

U. S. Patent Application No. 09/316,651
Amendment Dated June 16, 2004
Response to Final Office Action dated April 8, 2004
Express Mail Label No. EL985153432US

Remarks

Claims 386-392, 399-403, 439-449 are rejected. Claims 330-385, 393-398, 404-438 are allowed. Applicants cancel the rejected claims 386-392, 399-403, 439-449 without prejudice or disclaimer to expedite allowance. All claims rejected are cancelled without prejudice or disclaimer. Applicants expressly reserve the right to prosecute claims directed to the subject manner of the cancelled claims in a related application (e.g., a continuation).

Applicants thank the Examiner for his indication in a telephone interview of June 16, 2004, that he would attempt to consider the present response promptly.

In the Background of the present application, Applicants' describe prior art devices for collecting data related to food:

Many large scale food service facilities employ inspectors who record food temperature using a specially designed portable data collection device adapted to collect temperature data from served food. In use of such devices, an inspector places the device in contact with a served food product to record food temperature. One portable data collection device is used to collect data from each of several food product containers. Records over time for various serving or storage containers are kept manually, or, in more sophisticated devices are uploaded from a data collection device at intervals determined by the inspector, to a central processing facility.

(Background of the Invention, Page 1, Lines 23-25, Page 2, Lines 1-9)

As noted from the above excerpt, Applicants characterize a prior art portable food data collection device which uploads data to a central processing facility on a "batch" basis; that is, "at intervals determined by an inspector." Applicants file the accompanying request for continued examination to have a sell sheet corresponding to the "batch" device characterized in the Background considered by the Examiner.

Applicants also amend allowed claims 380 and 393 to clarify the invention over information of the sell sheet. Claim 380 recites in combination a food monitoring system comprising a sensing device generating at least one data stream, a processing subsystem in wireless communication with said sensing device wirelessly receiving and processing the

U. S. Patent Application No. 09/316,651
Amendment Dated June 16, 2004
Response to Final Office Action dated April 8, 2004
Express Mail Label No. EL985153432US

data stream, wherein the data stream includes an identifier and sensor data, and wherein the sensing device is adapted to be inserted into food. Claim 393 recites in combination a food monitoring system comprising a sensing device continuously generating data stream data, a processing subsystem continuously receiving and processing data of the data stream data, wherein the data stream data includes an identifier and sensor data.

Applicants amend allowed claims 338, 351, 374-378, 385, 398, 405, 410, 414-416, 419, 422, 426-428, 433-436, and 438 in minor respects to address minor informalities.

New dependent claims 450–489, 491–499 are believed to be allowable at least for the reason that they depend from an allowable base claim and are for the additional combination of elements they recite.

New independent claim 490 is believed to recite a combination of features which distinguish over the prior art. Claim 490 recites in combination a food monitoring system comprising a first sensing device generating first data stream data, a second sensing device generating second data stream data, a processing subsystem wirelessly receiving and processing data of the first data stream data and data of the second data stream data, wherein the first data stream data and the second data stream data include identifier and sensor data, and wherein the processing subsystem continuously receives data of the first data stream data and data of the second data stream data.

Accordingly, in view of the above amendments and remarks, applicants believe all of the claims of the present application to be in condition for allowance and respectfully request reconsideration and passage to allowance of the application.

If the Examiner believes that contact with applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call applicants' representative at the phone number listed below.

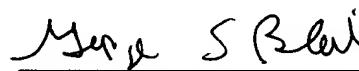
U. S. Patent Application No. 09/316,651
Amendment Dated June 16, 2004
Response to Final Office Action dated April 8, 2004
Express Mail Label No. EL985153432US

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 50-0289. The number of pending claims is less than the number of previously pending claims. Accordingly, no fee is required for the addition of claims 450-499.

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

Date: June 16, 2004



George S. Blasiak
Registration No. 37,283
WALL MARJAMA & BILINSKI LLP
101 South Salina Street
Suite 400
Syracuse, NY 13202
315-425-9000
315-425-9114 (FAX)

Customer No. 20874

GSB/bs